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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/766,751  | 01/29/2004  | Jerry Moscovitch     | 13772-4             | 3642             |
| 959   | 7590        | 06/21/2005           | EXAMINER            |                  |
| LAHIVE & COCKFIELD, LLP.<br>28 STATE STREET<br>BOSTON, MA 02109 |             |                      | VORTMAN, ANATOLY    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2835                |                  |

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/766,751

Applicant(s)

MOSCOVITCH ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 04/25/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 5-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/25/05</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**  
**REISSUE APPLICATION**

*Amendment*

1. The submission of the amendment filed on 04/25/05 is acknowledged. Claim 3 has been amended. Claims 1-61 are pending in the instant application. Claims 5-61 have been withdrawn from consideration as drawn to a non-elected invention.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Constructively elected claims 1-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/5,687,939 to Moscovitch (cited on the original patent) taken alone.

Regarding claims 1 and 3, Moscovitch disclosed (Fig. 1-4) a modular display system comprising: a base assembly (12); a first support arm (20) operably coupled to said base assembly (20); a second support arm (18) secured to said first support arm and having at least a pair of coupling assemblies (50, 52) for securing to portions of first (14) and second (16) liquid crystal display (LCD) panels, but did not disclose a third support arm secured to said first support arm (20) and having at least one or a pair of coupling assemblies for supporting a third

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and forth LCD panels on said third support arm; and wherein said third support arm may be readily detached from said first support arm to enable said display system to be modularly configured as a two panel LCD display system or a three or greater LCD display system.

It would have been obvious to one having ordinary skill in the computer display's art at the time the invention was made to provide a third support arm analogous to the second support arm (18) in order to support additional LCD panels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claims 2 and 4, Moscovitch disclosed (Fig. 19) that the second (third) support arm (162) includes three coupling assemblies (198, 202, 204) enabling said display panels to be supported adjacent each other in either a portrait or landscape positions.

### ***Response to Arguments***

4. Regarding claims 5-61, the Applicant has stated: "[P]lease withdraw claims 5-61" (p. 2 of the amendment, line 3). If Applicant's intention was to cancel the claims, they should be cancelled, not withdrawn. As such said claims 5-61 have been considered as pending in the instant application.

The Applicant's arguments regarding the assignment of the application have been found persuasive, therefore the objections to the application under 37 CFR 1.172(a) have been withdrawn.

The Applicant's arguments regarding the statutory rejection of claims 1-4 have not been found persuasive. The gist of the arguments is that: "[I]n particular, mere duplication of the horizontal arm taught in the '939 patent would result in another horizontal arm that is not readily detachable from the vertical arm to enable the display system to be modularly configured. Contrary to the presently claimed invention, Figure 19 of the '939 patent discloses that the horizontal arm 162 is bolted to the vertical support arm 158 in such a way that it is not readily detachable" (p. 12, lines 7+ of the Amendment). The Applicant concludes, that: "[d]uplicating this horizontal arm of '939 patent would result in a third arm that is not readily detachable to enable the system to be modularly configured." (p. 12, lines 13-15 of the Amendment).

In response, the Examiner would like to direct the Applicant's attention to the fact that the arguments referring to the wrong embodiment of the invention. The outstanding rejection of the claims was based on the embodiment depicted on Fig. 1-4 (see p. 5, section 4 of the non-final rejection) and not on Fig. 19 as asserted by the Applicant. Further, as depicted on Fig. 7 of the '939 patent, the arm (18) is connected to the vertical support arm (20) only by one bolt (38) and, therefore may be easily detached from the latter by unbolting said bolt (38).

Hence, said arm (18) is readily detachable and duplication of said arm (18) would produce the structure comprising all the elements as recited in the claims. Thus, the rejection of the claims is proper and is maintained herein.

### ***Conclusion***

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5. Applicant is advised that since no disclaimer for all original patent claims has been filed in the instant reissue application, constructively non-elected claims will only be examined if filed in a divisional reissue application. If the original patent claims are found allowable, and the divisional application has been filed for the constructively non-elected claims, further action in the instant reissue application will be suspended, pending resolution of the divisional application.

6. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which U.S. Patent No. 6,343,006 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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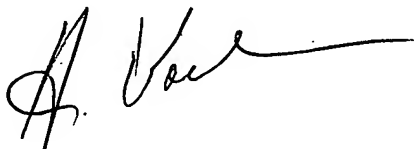
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal flourish extending to the right.

Anatoly Vortman  
Primary Examiner  
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